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Counsel for Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:	)	
	)	
EASY STREET HOLDING, LLC, <i>et. al.</i>	)	Bankruptcy Case No. 09-29905
	)	Jointly Administered with Cases
Debtors	)	09-29907 and 09-29908
	)	
Address: 201 Heber Avenue	)	Chapter 11
Park City, UT 84060	)	
	)	Honorable R. Kimball Mosier
Tax ID Numbers:	)	
35-2183713 (Easy Street Holding, LLC),	)	
20-4502979 (Easy Street Partners, LLC), and	)	
84-1685764 (Easy Street Mezzanine, LLC)	)	
	)	

**EASY STREET PARTNERS, LLC'S EX PARTE MOTION FOR LEAVE TO FILE AN  
OMNIBUS OBJECTION AND MOTION TO TEMPORARILY ALLOW  
HOMEOWNERS' CLAIMS IN A REDUCED AMOUNT FOR VOTING PURPOSES**

Easy Street Partners, LLC ("Partners"), a debtor and debtor in possession in the above captioned cases, hereby submit its ex parte motion (the "Ex Parte Motion") for an Order, pursuant to Fed. R. Bankr. P. 3007(c), authorizing Partners to file an omnibus objection and

motion to temporarily allow for voting purposes 104 claims filed by owners of fractional units at Partners' Sky Lodge. In support of this Ex Parte Motion, the Debtor states as follows:

1. Partners commenced this case under Chapter 11 of the United States Bankruptcy Code by filing a voluntary petition on September 14, 2009.

2. On February 26, 2010, the Court entered its Order (A) Approving Disclosure Statement With Respect To Amended Plan Of Reorganization Of Easy Street Partners, LLC, Dated February 17, 2010 (B) Establishing A Record Date, (C) Approving Solicitation Procedures, (D) Approving Forms Of Ballots And Voting Procedures, and (E) Approving Notice of and Scheduling Confirmation Hearing (the "Disclosure Statement Order").

3. The Disclosure Statement Order sets forth a timeline related to certain matters relevant to the Court's consideration of Partners' Amended Plan of Reorganization dated February 18, 2010 (the "Plan"). One of the deadlines in this timeline is a March 1, 2010 deadline for Partners to object to claims that Partners does not believe should be counted for voting purposes.

4. Partners has sold 111 fractional units in The Sky Lodge. The units are sold as actual, titled interests in real property and, once sold, are owned by the buyers of the fractional units (the "Fractional Unit Homeowners"). Proofs of claim have been filed by 104 of these Fractional Unit Homeowners (the "Fractional Unit Claims"). All of the Fractional Unit Claims were filed by the same law firm representing the Fractional Unit Homeowners and are very similar except for the Fractional Unit Homeowners' names and the amounts of the claims. It appears that each Fractional Unit Homeowner listed the original purchase price as the amount of the proof of claim.

5. The general basis for the Fractional Unit Claims filed by the Fractional Unit Homeowners is the same – that Jacobsen National’s (“Jacobsen”) mechanic’s lien for unpaid construction costs related to The Sky Lodge encumbered the Fractional Unit Homeowners’ units as well as Partners’ property. The total amount of Jacobsen’s mechanic’s lien, with accrued interest, is approximately \$1,500,000. When all of the property subject to that mechanic’s lien is taken into account, the pro rata portion of that amount attributable to the Fractional Unit Homeowners’ units is approximately \$4,500 per unit.

6. Partners has prepared an objection and motion to temporarily allow the Fractional Unit Homeowners’ claims for voting purposes only in the amount of \$4,500 per unit. In order to administrative difficulty, Partners would prefer to file an omnibus objection and motion to temporarily allow these claims addressing all 104 claims at once.

7. Amendments to Rule 3007 of the Federal Rules of Bankruptcy Procedure approved in 2007 impose certain restrictions on omnibus objections and Partners’ objection and motion to temporarily allow Fractional Unit Claims does not fit within any of the categories set forth in Fed. R. Bankr. P. 3007(d) in which objecting parties generally may file omnibus objections. Moreover, Rule 3007(e) generally restricts omnibus objections to 100 claims. Rule 3007(c), however, permits the Court to “order otherwise” and authorize joinder of objections that do not fit within the omnibus categories in Rule 3007(d).

8. Partners believes that it will be administratively more economical to file one omnibus objection to all of the Fractional Unit Claims and that it will not prejudice any Fractional Unit Homeowner because they all appear to be represented by the same counsel.

WHEREFORE, Partners requests that the Court enter an Order authorizing Partners to file an omnibus objection to all filed Fractional Unit Claims and an omnibus motion to temporarily allow all Fractional Unit Claims in the amount of \$4,500, solely for purposes of voting in Class 5 under Partners' Amended Plan, and for such further and other relief as the Court deems fair and equitable.

DATED this 1<sup>st</sup> day of March, 2010

DURHAM JONES & PINEGAR, P.C.

By: /s/ Kenneth L. Cannon II

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